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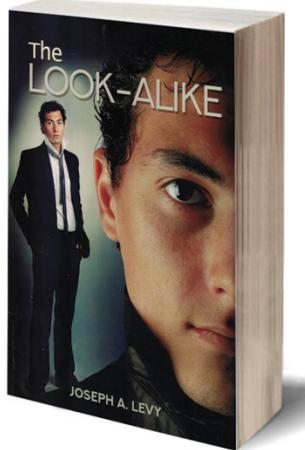
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<https://webcache.googleusercontent.com/search?q=cache:m71sVUI7yJ0J:https://www.law.com/newyorklawjournal/2018/05/30/authors-resignation-from-the-bar-provides-fodder-for-engaging-novel> [Accessed 30 May 2018]

Author's Resignation From the Bar Provides Fodder for Engaging Novel

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By Kenneth H. Ryesky | May 30, 2018 at 10:32 AM



The Look-Alike By Joseph A. Levy Dorrance Publishing Co., Pittsburgh, PA, 2018; ISBN 978-1-4809-5318-5; 252 pages (paperback), \$18.00

Many lawyers have found renown as authors of popular fiction. Like all writers, their personal life experiences have impacted their writings; accordingly, litigation and courtroom scenarios can be found in the fiction works of such lawyer-writers as Scott Turow, John Grisham, Linda Fairstein, Franz Kafka, and, of course, the *Perry Mason* stories by Erle Stanley Gardner. The plot of Robert Louis Stevenson's *Strange Case of Dr. Jekyll and Mr. Hyde* has elements from both Stevenson's background in the law profession and his cocaine addiction.

Joseph A. Levy has now joined those legions of lawyer-writers with his new tome *The Look-Alike*.

This reviewer has personally known Mr. Levy for more than three decades, from a time when we each resided outside of the New York metropolitan area.

The Look-Alike's story plot entails many elements from the author's personal life experiences (though many key details have been significantly altered). Mr. Levy's input for this Review was neither requested nor proffered; indeed, he was not informed of this review before its final submission to the Editor.

It is a matter of public record that in 2005, Joseph A. Levy chose to resolve the Second Department Grievance Committee's investigation of complaints against him by voluntarily resigning from the Bar. These complaints alleged "improper solicitation, failing to properly supervise his law office and failing to maintain his attorney registration," *Matter of Levy*, 31 AD3d 160, 2006 NY Slip Op 04426 (2d Dept. 2006).

The Look-Alike is an autobiographical roman à clef, based upon Levy's own tribulations he experienced while in law school, the developments of which the reviewer was regularly kept apprised. The protagonist of the story is Michael Biton, a Brooklyn Law School student from a (mostly) close-knit Brooklyn Jewish family from Morocco, who undergoes a serial misadventure quite similar to Levy's own.

Biton, pursuing academic credit as a summer intern with the New York City Corporation Counsel, finds himself arrested and charged with a rape he in fact did not commit (and was nowhere near the vicinity at the time).

As Biton continually becomes mired deeper and deeper, more and more potentially exonerating evidence continues to surface. Police and government functionaries circumspectly admit their beliefs of Biton's innocence, even as they move his prosecution forward.

As the plot progresses, Biton wisely discharges his initially-retained counsel, his brother-in-law's personal general practitioner lawyer, and engages well-reputed criminal defense specialist Abe Barshefsky, to the detriment of the Biton family finances. Other than the money aspect, Biton and Barshefsky interact famously with one another. Barshefsky, who is also defending some notorious Mafiosi at the time, is big on courtroom histrionics and a sense of self-importance, but weak on legal research, which he leaves to his associate — and sometimes to Biton.

Barshefsky also effectively tolerates his investigator's abusive shakedowns of additional payments from Biton.

Biton's main obstacle is Nancy Lester, an Assistant District Attorney who, notwithstanding the oft-repeated maxim that "the prosecutor's job is to seek justice, not to get people convicted," is obsessed with convicting Biton at all costs, ethics and fairness be damned, even as she amasses exculpatory evidence that should create a reasonable doubt. Some of this evidence was not

provided to the defense, and Lester engages in many highly questionable tactics, including what arguably are conflicts of interest.

Not quite halfway through the book, it comes to Barshefsky's attention that a person bearing an uncanny resemblance to Biton also works in the same building as Biton, and also attended Brooklyn Law School. Even then, Lester continues to move her prosecution of Biton full steam ahead. There are, of course, political aspects to the story plot.

And amidst it all, Michael Biton's release on his own recognizance is continually extended, thereby enabling him to continue to live a relatively normal life throughout it all. He continues his class attendance, and becomes involved in an amorous relationship that shows great promise, but which abruptly and traumatically comes to a hopelessly unrevivable ending (or perhaps not; this is only one of several story threads that might potentially be wrought into one or more sequels to the book if the author so chooses).

The plot conflict is summed up by one line in the book, spoken by Biton's classmate Patricia Kenny: "Law school may teach you the law, but it doesn't teach you how to be a lawyer."

The extensive dialogue in the book is well crafted. Between it and the non-dialogue narrative, each step of the criminal procedure is explained in accurate detail. This includes elucidation of what is meant by phrases such as "*Rosario* material," "*Brady* material," "*Mapp* hearing," as well as practical elucidation of some of the fine points of the familiar *Miranda* rules and some valuable cross-examination tactics. Everything is explained in terms understandable to a layperson, and even the peculiarities of New York State law are compared and contrasted with those of other states. The book accordingly can be a law student's reinforcement to what is taught in Criminal Procedure classes, while simultaneously serving as a recreational reading diversion from the familiar pressures of law school.

While I do not and cannot justify or condone the transactions through which Joe Levy placed himself into the predicament that warranted his resignation from the Bar, I did wonder at the time whether the disconnect between the theoretical as taught in the law school curriculum and the actual dysfunctional realities Joe experienced firsthand gave rise to a cynicism towards the legal system, an outlook which Joe neglectfully allowed to becloud some ill-advised decisions he made. Having read *The Look-Alike*, I am now convinced that such was indeed the case.

The Look-Alike, then, is more than just another alluring recreational thriller for a lawyer's (or layperson's) personal bookshelf; it is a cautionary tale to which lawyers, law students, law professors, judges and prosecutors alike need to give heed.

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